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Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STATE FARM LIFE INSURANCE COMPANY,) CASE NO. 2:09-cv-00483-PMP-LRL
)
Plaintiff,)
)
vs.)
)
MARIA VENTURA BONAL; EDUARDO)
MERCADO; and CARLA MERCADO,)
)
Defendants.)
_____)

STIPULATION AND ORDER OF AGREED UPON DISTRIBUTION
OF DEPOSITED FUNDS AND STIPULATION OF DISMISSAL
WITH PREJUDICE OF THIS MATTER

WHEREAS:

1. State Farm filed this action in the style of an interpleader to allow a forum for the primary beneficiary, Maria Ventura Bonal, and the two contingent beneficiaries, Eduardo Mercado and Carla Mercado, in which to resolve their conflicting claims. The conflicting claims were to the proceeds of a State Farm Life insurance policy on Santos Mercado. Santos Mercado was the father of Carla Mercado and Eduardo Mercado and the significant other of Maria Ventura Bonal. Maria Ventura Bonal is the mother of Carla Mercado but is not the mother of Eduardo Mercado. The conflict arose, because Ms.

1 Bonal was and remains a person of interest in the criminal investigation of the murder of
2 Santos Mercado.

3 2. State Farm deposited a total of \$51,598.47 with the Court Clerk on March 12, 2009. The
4 component parts were the policy proceeds of \$50,000.00 plus accumulated interest of
5 \$1,561.29 and a premium refund of \$37.18.

6
7 3. The efforts to serve Eduardo Mercado, a resident of Mexico, required many attempts and
8 many extensions of time.

9 4. Eduardo Mercado ultimately decided, after being served, against participating in this suit.
10 Eduardo Mercado notified the Court of his decision in a filing made on October 12, 2010.
11 That pleading was titled Notice of Filing in Compliance with Order and of Intent to
12 Default. State Farm is in the process of formalizing Eduardo Mercado's abandonment of
13 his claim by obtaining a Default and a Default Judgment.
14

15 4. Given the abandonment by Eduardo Mercado of his claim to the proceeds of the State
16 Farm life insurance policy, the remaining parties reached a settlement agreement with the
17 following features:
18

19 IT IS HEREBY STIPULATED BY AND BETWEEN THE COUNSEL OF THE
20 REMAINING PARTIES THAT:

21 A. The Clerk of the Court shall immediately pay out of the previously distributed sums:

- 22 1. \$46,598.47 to Maria Ventura Bonal and her attorneys, Posin & Posin, for her
23 agreed upon portion of the proceeds of the State Farm life insurance policy on
24 Santos Mercado. Ms. Bonal was the primary beneficiary.
25
26 2. \$0 to Carla Mercado. Ms. Mercado was the contingent beneficiary.
27
28 3. \$5,000.00 to State Farm Life Insurance Company who is accepting a reduced
amount for its costs and attorney's fees incurred in this matter.

1 These three payments will exhaust the sum that State Farm previously deposited.

2 B. Once the Clerk makes these payments, exhausting the deposited sum, and once the
3 process of entering a Default and Default Judgment against Eduardo Mercado is
4 completed, then this matter will be dismissed with prejudice, discharging forever State
5 Farm Life Insurance Company from any liability to the Defendants in regard to the life
6 insurance policy on Santos Mercado and restraining forever the Defendants from
7 initiating any proceedings against State Farm in regard to the life insurance policy on
8 Santos Mercado and/or its proceeds.
9

10 PATTON, SHEA & KIRALY, P.C.

11 DATED:

12 By: /s/ Randa Reiff Shea
13 RANDA REIFF SHEA, ESQ.
14 3016 West Charleston Blvd., Suite 195
15 Las Vegas, NV 89102
16 Attorney for Plaintiff

17 POSIN & POSIN

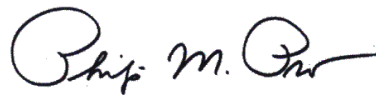
18 DATED: _____

19 By: /s/ Mithcell L. Posin, Esq.
20 MITCHELL L. POSIN, ESQ.
21 601 So. Tenth Street, Ste. 100
22 Las Vegas, NV 89101
23 Attorney for Maria Ventura Bonal and
24 Carla Bonal

25 **ORDER**

26 IT IS SO ORDERED.

27 DATED this 15 day of October, 2010

28 

UNITED STATES DISTRICT JUDGE

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